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Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 17 September 2008 from the Permanent Mission of Saint Vincent and the Grenadines to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Saint Vincent and the Grenadines to the United Nations presents its compliments to the secretariat of the 1540 Committee of the United Nations and has the honour to submit the 1540 report of Saint Vincent and the Grenadines (see annex).

The Permanent Mission of Saint Vincent and the Grenadines to the United Nations has the honour to further inform that it looks forward to working with the Committee on the next steps of implementation of the resolution, including with assistance requests.

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Annex to the note verbale dated 17 September 2008 from the Permanent Mission of Saint Vincent and the Grenadines to the United Nations addressed to the Chairman of the Committee

Report of the Government of Saint Vincent and the Grenadines pursuant to Security Council resolution 1540 (2004)

Introduction

The Government of Saint Vincent and the Grenadines is committed to carrying out the objectives of the United Nations in its fight against the threat to international peace and security posed by terrorism. The Government of Saint Vincent and the Grenadines takes this opportunity to reiterate that it does not possess, nor has any intention of possessing, any weapons of mass destruction.

The Government of Saint Vincent and the Grenadines does not and has not supported or encouraged the proliferation of nuclear, chemical or biological weapons and firmly supports the international community on issues relating to disarmament and non-proliferation of weapons of mass destruction.

Measures taken by the Government of Saint Vincent and the Grenadines in relation to the specific issues in the operative paragraphs of the resolution

Operative paragraph 1

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

The Government of Saint Vincent and the Grenadines is committed to disarmament and non-proliferation of weapons of mass destruction and their means of delivery, and has not provided and does not intend to provide support of any form to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

As an indication of its commitment, Saint Vincent and the Grenadines is a party to the following international instruments:

- 1925 Geneva Protocol
- APM Convention (Mine-Ban Convention)
- Biological Weapons Convention
- Chemical Weapons Convention
- The Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD)
- Nuclear Non-Proliferation Treaty
- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)

Additionally, Saint Vincent and the Grenadines is a State party to 10 of the international conventions and protocols on counter-terrorism, namely:

- 1963 Convention on Offences and Certain Other Acts Committed On Board Aircraft
- 1970 Convention for the Suppression of Unlawful Seizure of Aircraft
- 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
- 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents
- 1979 International Convention on the Taking of Hostages
- 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation
- 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
- 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf
- 1997 International Convention for the Suppression of Terrorist Bombing
- 1999 International Convention for the Suppression of the Financing of Terrorism

Operative paragraph 2

Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them.

To give effect to the main multilateral conventions on weapons of mass destruction, Saint Vincent and the Grenadines has implemented, inter alia, the following legislative measures:

(1) Prohibition of nuclear weapons-related activities by non-State actors

Saint Vincent and the Grenadines does not have domestic legislation specifically prohibiting non-State actors from manufacturing, acquiring or transferring nuclear weapons. However, there are several pieces of relevant legislation that may cover these issues.

(2) Prohibition of chemical weapons-related activities by non-State actors

In 2003, the Chemical Weapons (Prohibition) Act (No. 44 of 2003) was implemented in order to incorporate into the law of Saint Vincent and the Grenadines the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. Section 5 of this Act stipulates that every person commits an offence who intentionally or recklessly develops, produces, otherwise acquires, stockpiles, or retains chemical weapons; or transfers, directly or indirectly, chemical weapons to another person; or uses chemical weapons; or engages in any military preparations to use chemical

weapons; or assists, encourages, or induces, in any way, any person to engage in any activity prohibited to a State party under the Convention, and is liable on conviction on indictment to imprisonment for life or a fine not exceeding $1,000,000.

(3) Prohibition of biological weapons-related activities by non-State actors

The Biological Weapons Act, Act No. 9 of 1992, was implemented to prohibit the development, production, acquisition and possession of certain biological agents and toxins and of biological weapons. The Act states that it is an offence to develop, produce, stockpile, acquire or retain any biological agent or toxin of a type and in quantity that has no justification for prophylactic, protective or other peaceful purpose.

The same Act also states that it is an offence to develop, produce, stockpile, acquire or retain any weapon, equipment or means of delivery designed to use biological agents or toxins for hostile purposes in armed conflict.

(4) Measures common to (1)-(4)

In all cases mentioned above, section 20 of the Criminal Code, of Saint Vincent and the Grenadines, chapter 124 of the 1990 Revised Laws, establishes the offence of joint offenders, aiding, abetting and procuring to the criminal act.

Additionally Saint Vincent and the Grenadines has in place the Mutual Assistance in Criminal Matters Act, No. 46 of 1993, which enables the Attorney General to provide assistance to other countries in connection with investigations, inquiries and proceedings in criminal matters.

In relation to the financing of terrorism, Saint Vincent and the Grenadines has enacted the following legislation:

- Proceeds of Crime and Money Laundering (Prevention) Act, No. 39 of 2001 (as amended in 2002 and 2006) — This Act provides for the prevention of money-laundering and related matters and apply to any property whether or not situated in Saint Vincent and the Grenadines.
- Proceeds of Crime (Money-Laundering) Regulations of 2002.
- International Financial Services Authority, No. 28 of 2003 — This Act amends/renames the Saint Vincent and the Grenadines Offshore Finance Authority Act.
- Financial Intelligence Unit Act, No. 38 of 2001 — This Act established the Financial Intelligence Unit, the national centralized unit in Saint Vincent and the Grenadines for the collection, analysis and dissemination of suspicious transaction information to competent authorities.

Operative paragraph 3

Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

Although Saint Vincent and the Grenadines does not and has not developed or have in its possession nuclear, chemical or biological weapons, the State has in place legislation to ensure that such activities do not take place within its borders.

In relation to chemical weapons, the Chemical Weapons (Prohibition) Act states that the production, acquisition, use, or retention of any Schedule 1 chemicals of the Act or the importation or exportation of Schedule 1, 2 and 3 chemicals without the consent of the Minister is prohibited. The Permanent Secretary of the Ministry of Foreign Affairs, Commerce and Trade is the National Chemical Weapons Authority.

In relation to biological weapons, the Biological Weapons Act, Act No. 9 of 1992 makes accountable any person who develops, produces, stockpiles, acquires or retains any biological agent or toxin of a type and in quantities other than for prophylactic, protective or other peaceful purpose.

(b) Develop and maintain appropriate effective physical protection measures;

On 8 January 1992 an agreement was concluded between the Government of Saint Vincent and the Grenadines and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons.

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

Saint Vincent and the Grenadines has ensured that all ports of entry are properly secured and are in compliance with international regulations and requirement. The State has updated customs procedures, documentation and registration and exchange control measures electronically using the Automated System for Customs Data software (ASYCUDA) world system.

Additionally, the following legislative measures are in place:

- Customs (Control and Management) Act, No. 14 of 1999 as amended
- Import and Export (Control) Regulations, No. 10 of 1992
- Port Authority Act, 1987
- Plant Protection Act, No. 15 of 2005

The Annual Conference of the Caribbean Customs Law Enforcement Council (CCLEC), 21-24 May 2008, focused on the theme of "Security and Facilitation: the Way of the Future". The CCLEC agreed to pursue capacity-building initiatives with the WCO and other international agencies to modernize customs administrations and build management and leadership capacity. To further these objectives, a Declaration of Intent to implement the WCO SAFE Framework of Standards was signed between the WCO and CCLEC at the WCO Council Session in June 2008.

As a result of this agreement, Members of the CCLEC, including Saint Vincent and the Grenadines, will become eligible for assistance under the WCO's Columbus assistance programme on capacity-building to facilitate improving border controls.

Saint Vincent and the Grenadines will examine the prospects for assistance from the WCO and others to further develop these measures that contribute to implementation of resolution 1540.

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

Saint Vincent and the Grenadines implemented the Import and Export (Control) Regulations, No. 10 of 1992 so that appropriate legislation could be made for importation and exportation.

The Firearms Act, 1995 controls the transportation of prohibited and restricted weapons and ammunition.

Operative paragraph 6

Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

The Immigration Authorities of Saint Vincent and the Grenadines have the power to restrict the entry into Saint Vincent and the Grenadines of persons known or suspected to be terrorists or involved in terrorism.

Operative paragraph 7

Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

Saint Vincent and the Grenadines will give active consideration to the submission of a request for assistance on its next steps to implement resolution 1540. After consultation with the CCLEC/WCO, CARICOM and OECS, such assistance might be part of a regional initiative(s).

Operative paragraph 8

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

Saint Vincent and the Grenadines is a party to several international instruments which aim to prevent the proliferation of nuclear, biological or chemical weapons. It has placed great emphasis on the full implementation of these instruments.

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

Saint Vincent and the Grenadines has implemented legislation to give effect to its obligations relating to multilateral non-proliferation treaties to which it is a State party.

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

Saint Vincent and the Grenadines reaffirms its commitment to international cooperation in these areas.

Operative paragraph 9

Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

Saint Vincent and the Grenadines is always willing to promote dialogue and cooperation on non-proliferation in order to address the threats posed by terrorism.

Conclusion

Saint Vincent and the Grenadines is vigilant in the fight against terrorism and will continue to assist the international fight against the proliferation and illicit traffic in nuclear, chemical or biological weapons, their means of delivery and related material.

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 7 December 2009 from the Permanent Mission of the Dominican Republic to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Dominican Republic to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to refer to his note of 16 July 2009. In that connection, in accordance with paragraph 4 of Security Council resolution 1540 (2004), it encloses the first report prepared by the Government of the Dominican Republic on the cooperative measures contained in its domestic legislation to prevent illicit trafficking in nuclear, chemical and biological weapons of mass destruction and their associated means of delivery (see annex).

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Annex to the note verbale dated 7 December 2009 from the Permanent Mission of the Dominican Republic addressed to the Chairman of the Committee

First preliminary report of the Dominican Republic on Security Council resolution 1540 (2004)

Introduction

Whereas the Dominican State, as a Member State of the United Nations, reaffirms its commitment to the implementation of Security Council resolution 1540 (2004) and the international treaties related to the non-proliferation of nuclear, chemical and biological weapons and their delivery systems, in accordance with the policy of non-proliferation it has maintained hitherto.

And whereas the Dominican Republic upholds its commitment to further the goals of the United Nations in combating threats to international peace and security and to cooperate with the international community.

Therefore the Government of the Dominican Republic declares that it does not have any type of weapon of mass destruction in its possession on its territory and that it has no intention of possessing any such weapon or engaging in any activity related to that type of weapon. It also declares that it has not supported and will not support the proliferation of nuclear, chemical or biological weapons to non-State actors and affirms that it is fully prepared to cooperate with the international community on disarmament and non-proliferation of weapons of mass destruction.

With respect to Security Council resolution 1540 (2004), it states the following:

Regarding paragraph 1:

The Government of the Dominican Republic reaffirms its commitment not to provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

Regarding paragraph 2:

Article 1 of Act No. 76-02 on the primacy of the constitution and treaties (Code of Criminal Procedure of the Dominican Republic) states that "In applying the law, the courts shall ensure the effective application of the Constitution and of international treaties and their interpretation by the courts established thereby, the standards and principles of which shall apply directly and immediately in cases subject to their jurisdiction and shall always take precedence over the law", thus guaranteeing the implementation of national laws and of international treaties to which the Dominican State is a party.

It should be recalled, in particular, that the Dominican Republic is a State party to the following international agreements related to non-proliferation:

- Biological Weapons Convention

  Status: In effect. Resolution No. 425-72 of 29 November 1972

- Comprehensive Nuclear-Test-Ban Treaty

  Status: In effect. Resolution No. 103-03 of 23 June 2003

- Convention on the Physical Protection of Nuclear Materials

  Status: In the process of depositing the instrument of accession. Resolution No. 444-08 of 10 September 2008

- Geneva Protocol 1925

  Status: In effect. Resolution No. 10-70 of 28 August 1970

- Member of the International Atomic Energy Agency (IAEA)

  Member State since 1957

- Party to the Treaty of Tlatelolco and member of the nuclear-weapon-free zone established by the Treaty

  Status: In effect. Resolution No. 17-70 of 9 September 1970

- Sea-bed Arms Control Treaty

  Status: In effect. Resolution No. 184-71 of 23 August 1971

- Outer Space Treaty

  Status: In effect. Resolution No. 343-68 of 28 August 1968

- Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

  Signed on 1 July 1964 and ratified on 24 July 1971

- State party to the following 10 international conventions:

  - Convention on Offences and Certain Other Acts Committed on Board Aircraft of 14 September 1963
  - Convention for the Suppression of Unlawful Seizure of Aircraft of 16 December 1970
  - Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 23 September 1971
  - Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion that are of International Significance of 2 February 1971
  - Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents of 14 December 1973
  - International Convention against the Taking of Hostages of 17 December 1979
  - International Convention for the Suppression of Terrorist Bombings of 12 January 1998*

* *Translator's note*: the Convention was adopted on 15 December 1997 and opened for signature on 12 January 1998.

- International Convention for the Suppression of the Financing of Terrorism of 10 January 2000**
- International Convention for the Suppression of Acts of Nuclear Terrorism of 14 September 2005***
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 10 March 1988, and its Protocol.

It should be noted that the National Congress approved the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, the instrument of ratification was deposited by the Dominican Republic on 27 March 2009 and the Convention entered into effect on 26 April 2009.

With respect to domestic legislation, it should be noted that Act. No. 262-43 on explosive substances is in effect.

In July 2008, Act No. 267-08 on counter-terrorism was adopted, prohibiting the development, provision, transport, acquisition or use of nuclear, chemical or bacteriological weapons (articles 1, 7, 10, 13, 14, 17, 25 and 30).

These new measures demonstrate that the Government is firmly committed to international peace and security and is continually updating domestic legislation to meet the requirements imposed by the threats of organized crime, illicit trafficking in all types of weapons and activities related to terrorism.

With respect to paragraphs 3 (a) and (b)

With regard to accounting for and securing sensitive dual-use material related to nuclear, biological and chemical weapons, the Dominican Republic has in place the following legal provisions:

Act. No. 64-00, Comprehensive Environmental and Natural Resources Act: By Decree No. 1680 of 31 October 1964, a National Nuclear Affairs Commission was established to supervise, control and grant the necessary licences for any activity involving nuclear material for peaceful purposes.

The Dominican Republic has a safeguards agreement with IAEA, which entered into force on 11 October 1973, with an additional protocol of 20 September 2007.

With respect to border security and operational customs control, the Dominican Republic is governed by Act. No. 3489 on the Customs regime.

Import controls on nuclear, chemical and biological materials are covered by Act No. 64-00 on the Ministry of the Environment and Natural Resources (articles 99 and 100).

To provide border security, the Dominican State has specialized security units within its Armed Forces, including:

** *Translator's note*: the Convention was adopted on 9 December 1999 and opened for signature on 10 January 2000.

*** *Translator's note*: the Convention was adopted on 13 April 2005 and opened for signature on 14 September 2005.

- The *Cuerpo Especializado de Seguridad Portuaria* (Specialized Port Security Unit (CESEP)), established by Decree No. 144-05
- The *Cuerpo Especializado de Seguridad Aeroportuaria* (Specialized Airport Security Unit (CESA)), established by Decree No. 28-97
- The *Cuerpo Especializado de Seguridad Fronteriza Terrestre* (Specialized Land Border Security Unit (CESFRONT)), established by Decree No. 325-06

In addition, there is the J-2, the Joint Military Staff Intelligence Directorate of the Ministry of the Armed Forces (SEFA).

National plan of action

The Dominican Republic engages in a continuous review process to determine the domestic legislation that is required to complement existing legislation with a view to ensuring the full implementation of Security Council resolution 1540 (2004). It should be noted, however, that in order to comply effectively with its requirements, it has been proposed to establish an Interagency Commission comprising government agencies with jurisdiction in this area, to analyse and identify the regulations in effect within their respective fields of activity. Once this compliance review has been completed by the Interagency Commission, an additional report will be submitted to the Security Council Committee established pursuant to resolution 1540 (2004) and the necessary action identified by each Government agency, including the adoption of regulations on national implementation, will gradually be coordinated.

Need for international assistance

While the Dominican Republic is engaged in an ongoing process to ensure that it meets international requirements, it must continue to receive advice and technical support in some related areas from international organizations, including the United Nations Office on Drugs and Crime and the group of experts of the Security Council Committee established pursuant to resolution 1540 (2004).

Conclusion

The Government of the Dominican Republic is pleased to submit this report and reiterates its intention to continue taking the necessary steps to transmit another report in the near future detailing more precisely the existing domestic legislation on the matter in question and progress on further action taken by the Government for the implementation of Security Council resolution 1540 (2004).